



State of Wisconsin
1997 - 1998 LEGISLATURE

April 1998 Special Session

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**SENATE SUBSTITUTE AMENDMENT 2,
TO SENATE BILL 2**

May 18, 1998 - Offered by JOINT COMMITTEE ON FINANCE.

1 **AN ACT to repeal** 119.06 (3) (intro.) and (a) and 119.07; **to renumber and amend**
2 119.06 (3) (b); **to amend** 20.255 (2) (ec), 20.255 (2) (ed), 118.43 (2) (c), 119.06 (4)
3 (b), 119.06 (5) and (6), 119.08 (1) (a) and (b), 119.08 (2) and (3), 119.08 (4) and
4 119.10 (1); **to repeal and recreate** 111.70 (4) (m) (intro.), 1., 2. and 4., 118.40
5 (3) (c), 119.18 (23) and 119.235; and **to create** 20.255 (2) (fs), 111.70 (4) (cm) 2m.,
6 111.70 (4) (m) 5., 119.07, 119.55 (3), 119.76, 119.90 and 121.85 (6) (h) of the
7 statutes; **relating to:** the method of election of members of the board of school
8 directors in 1st class city school systems; contract negotiation meetings
9 between a board of school directors for a 1st class city school system and any
10 labor organization recognized or certified to represent school district
11 professional employees under the municipal employment relations act;
12 reorganizing schools in a 1st class city school system and prohibiting collective
13 bargaining with respect to reassignment of employees of a 1st class city school

1 system; conversion of private schools to charter schools; educational service
2 contracts between the board of school directors for a 1st class city school system
3 and private schools and agencies; measuring whether schools in the Milwaukee
4 Public Schools meet certain educational criteria; creating local reform councils
5 for certain schools in the Milwaukee Public Schools; the use of intradistrict
6 transfer aid to build or lease neighborhood schools; contracts with the Boys and
7 Girls Clubs of Greater Milwaukee to improve attendance at selected schools;
8 aid to the Milwaukee Public Schools for after-school programs; aid to the
9 Milwaukee Public Schools for summer school; achievement guarantee
10 contracts for the Milwaukee Public Schools; and making appropriations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

11 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
12 the following amounts for the purposes indicated:

				1997-98	1998-99
13					
14	20.255	Public instruction, department of			
15	(2)	AIDS FOR LOCAL EDUCATIONAL PROGRAMMING			
16	(fs)	Summer school; 1st class city			
17		school districts	GPR A	-0-	3,000,000

18 **SECTION 2.** 20.255 (2) (ec) of the statutes, as affected by 1997 Wisconsin Act 27,
19 is amended to read:

20 20.255 (2) (ec) *Aid to Milwaukee public schools.* The amounts in the schedule
21 to correct the academic deficiencies of educationally and economically
22 disadvantaged pupils and to achieve a more effective and responsive educational

1 program in the school district operating under ch. 119. In the 1998-99 school year,
2 moneys in this appropriation may also be used for the purposes specified in s. 119.76.

3 In the 1993-94 fiscal year and in each fiscal year thereafter, the amount in the
4 schedule shall be distributed according to the spending plan under s. 119.80. The
5 department of public instruction may not distribute any funds in the appropriation
6 under this paragraph in the 1993-94 fiscal year or in any fiscal year thereafter until
7 the spending plan for that fiscal year has been approved under s. 119.80.

8 **SECTION 3.** 20.255 (2) (ed) of the statutes is amended to read:

9 20.255 (2) (ed) (title) ~~Youth service centers, truancy~~ Truancy abatement and
10 burglary suppression. The amounts in the schedule for ~~youth service centers,~~
11 ~~truancy abatement and burglary suppression under 1993 Wisconsin Act 16, section~~
12 ~~9145 (1t) (b) s. 119.55 (3).~~ No moneys may be encumbered under this paragraph after
13 June 30, ~~1996~~ 2000.

14 **SECTION 4.** 20.255 (2) (fs) of the statutes is created to read:

15 20.255 (2) (fs) Summer school; 1st class city school districts. The amounts in
16 the schedule for a grant to the school district operating under ch. 119 for summer
17 school costs in 1998. No moneys may be encumbered from this appropriation after
18 June 30, 1999.

19 **SECTION 5.** 111.70 (4) (cm) 2m. of the statutes is created to read:

20 111.70 (4) (cm) 2m. 'Open meetings.' The contract negotiation meetings
21 between a board of school directors under ch. 119 and a labor organization recognized
22 or certified to represent school district professional employes shall be open to the
23 public at the request of either party or the parties jointly. This subdivision shall
24 apply only to contract negotiation meetings that are conducted after the presentation
25 of initial collective bargaining proposals under subd. 2. but before the

1 commencement of mediation under subd. 3. Failure to comply with this subdivision
2 is not cause to invalidate a collective bargaining agreement under this subchapter.

3 **SECTION 6.** 111.70 (4) (m) (intro.), 1., 2. and 4. of the statutes are repealed and
4 recreated to read:

5 111.70 (4) (m) *Prohibited subjects of bargaining.* (intro.) In a school district,
6 the municipal employer is prohibited from bargaining collectively with respect to:

7 1. Reassignment of municipal employes who perform services for a board of
8 school directors under ch. 119 and who are licensed by the state superintendent of
9 public instruction, with or without regard to seniority, as a result of a decision of the
10 board of school directors to contract with an individual or group to operate a school
11 as a charter school, as defined in s. 115.001 (1), or to convert a school to a charter
12 school, or the impact of any such reassignment on the wages, hours or conditions of
13 employment of those municipal employes.

14 2. Reassignment of municipal employes who perform services for a board of
15 school directors and who are licensed by the state superintendent of public
16 instruction, with or without regard to seniority, as a result of the decision of the board
17 to reorganize a school under s. 119.18 (23), or the impact of any such reassignment
18 on the wages, hours or conditions of employment of those municipal employes. This
19 subdivision does not apply after June 30, 2001.

20 4. Any decision of a board of school directors to contract with a school or agency
21 to provide educational programs under s. 119.235, or the impact of any such decision
22 on the wages, hours or conditions of employment of the municipal employes who
23 perform services for the board and who are licensed by the state superintendent of
24 public instruction.

25 **SECTION 7.** 111.70 (4) (m) 5. of the statutes is created to read:

1 111.70 (4) (m) 5. Reassignment of municipal employes who perform services for
2 a board of school directors and who are licensed by the state superintendent of public
3 instruction, with or without regard to seniority, as a result of the decision of the board
4 to honor the request of a local reform council under s. 119.90 (5), or the impact of any
5 such reassignment on the wages, hours or conditions of employment of those
6 municipal employes.

7 **SECTION 8.** 118.40 (3) (c) of the statutes is repealed and recreated to read:

8 118.40 (3) (c) A school board may not enter into a contract for the establishment
9 of a charter school located outside the school district, except that if 2 or more school
10 boards enter into an agreement under s. 66.30 to establish a charter school, the
11 charter school shall be located within one of the school districts. A school board, other
12 than the school board of the school district operating under ch. 119, may not enter
13 into a contract that would result in the conversion of a private school to a charter
14 school.

15 **SECTION 9.** 118.43 (2) (c) of the statutes is amended to read:

16 118.43 (2) (c) Notwithstanding par. (b), the school board of the school district
17 operating under ch. 119 may enter into an achievement guarantee contract on behalf
18 of up to 10 20 schools.

19 **SECTION 10.** 119.06 (3) (intro.) and (a) of the statutes are repealed.

20 **SECTION 11.** 119.06 (3) (b) of the statutes is renumbered 119.06 (3) and amended
21 to read:

22 119.06 (3) ~~Four of the combined aldermanic district~~ Except as provided in sub.
23 (4), the members first appointed to the board by the commission shall serve for a term
24 terms beginning on the 4th Monday of the month next following their appointment
25 and. All members shall be appointed for terms expiring on the 4th Monday in April

1 ~~in the 4th year following the year in which a city becomes a city of the 1st class of the~~
2 ~~first year following the year in which a city becomes a 1st class city in which there~~
3 ~~is a presidential election, if the city becomes a 1st class city on or before December~~
4 ~~1 preceding that year; otherwise, the members shall be appointed for terms expiring~~
5 ~~on the 4th Monday in April of the next such year.~~

6 **SECTION 12.** 119.06 (4) (b) of the statutes is amended to read:

7 119.06 (4) (b) The board members elected at the special election shall be
8 nominated and elected to succeed the board members appointed ~~for the terms~~
9 ~~expiring under sub. (3) (a) and (b) (2) and for the same terms. The terms of office of~~
10 ~~the board members appointed under sub. (2) shall expire on the 4th Monday~~
11 ~~following the special election.~~ The terms of office of the board members elected at the
12 special election shall begin on the 4th Monday following the special election.

13 **SECTION 13.** 119.06 (5) and (6) of the statutes are amended to read:

14 119.06 (5) The board first appointed under sub. (2) or first elected at a special
15 election under sub. (4) shall hold an organizational meeting under s. 119.10 (2) on
16 the 4th Monday ~~of the month~~ following its appointment or election, or the next day
17 if the 4th Monday is a legal holiday, ~~following their appointment or election,~~ and
18 annually thereafter shall meet in accordance with s. 119.10 (2).

19 (6) Successors to board members appointed under sub. (3) (2) or elected under
20 sub. (4) shall be elected at the spring election immediately preceding the expiration
21 of the terms of such board members and shall serve for 4-year terms.

22 **SECTION 14.** 119.07 of the statutes is created to read:

23 **119.07 Revised method of election of board; transitional provisions. (1)**
24 Notwithstanding s. 119.08 (2) and (3), in each 1st class city in existence on the
25 effective date of this subsection [revisor inserts date], members of the board of

1 school directors who are elected at the spring election to be held in April 1999 to
2 succeed those members whose terms are scheduled to expire on the 4th Monday in
3 April, 1999, shall serve for terms expiring on the 4th Monday in April, 2000.
4 Notwithstanding s. 119.08 (2) and (3), the terms of office of the members of the board
5 of school directors of each such city whose terms are scheduled to expire on the 4th
6 Monday in April, 2001, shall expire on the 4th Monday in April, 2000, and the
7 incumbents in those offices shall cease to hold office on that date.

8 (2) At the spring election to be held in April, 2000, there shall be elected in each
9 1st class city in existence on the effective date of this subsection [revisor inserts
10 date], 9 members of the board of school directors, one of whom shall be elected at large
11 and 8 of whom shall be elected from election districts prescribed under s. 119.08 (1)
12 (b).

13 **SECTION 15.** 119.07 of the statutes, as created by 1997 Wisconsin Act (this
14 act), is repealed.

15 **SECTION 16.** 119.08 (1) (a) and (b) of the statutes are amended to read:

16 119.08 (1) (a) The board shall consist of one member elected at-large and 8
17 members elected from numbered election districts determined by the board. The
18 election districts shall consist of whole contiguous wards and shall be substantially
19 equal in population ~~and the~~. The boundaries of the election districts shall be drawn
20 so as to reflect a balanced representation of citizens in all areas within the city.

21 (b) Within 60 days after the common council of the city enacts an ordinance
22 determining or adopts a resolution adjusting the boundaries of ~~the aldermanic~~
23 ~~districts~~ wards in the city following the federal decennial census under s. ~~62.08 (1)~~
24 5.15 (1), the board shall, by vote of a majority of the membership of the board, adopt
25 an election district apportionment plan for the election of board members which shall

1 be effective until the city enacts a new ordinance under s. ~~62.08 (1)~~ 5.15 (1)
2 redetermining the aldermanic district ward boundaries.

3 **SECTION 17.** 119.08 (2) and (3) of the statutes are amended to read:

4 119.08 (2) The electors of each election district shall elect one member residing
5 within the election district to represent the election district. The at-large member
6 shall be elected by the electors of the city. Board members shall be electors of the city
7 and shall be elected at the spring election. Candidates shall file nomination papers
8 for full terms or, when vacancies are to be filled, for unexpired terms. The primary
9 and ~~spring elections~~ election for board members shall be conducted by the election
10 officials for the election of ~~judicial or other officers~~ held on that date. The polling
11 places for the state, ~~municipal or judicial election~~ elections shall be the polling places
12 for the board election and the municipal election hours shall apply.

13 (3) The regular terms of board members shall be 4 years. The term of each
14 member expires on the 4th Monday in April of the 4th year following the year in
15 which the member's office is regularly filled.

16 **SECTION 18.** 119.08 (4) of the statutes is amended to read:

17 119.08 (4) A vacancy ~~on~~ in the membership of the board occurring on or before
18 December 1 preceding expiration of the member's term of office shall be filled by a
19 special election ordered by the board. At such election the vacancy shall be filled for
20 the unexpired term. The board shall follow procedures under s. 8.50, so far as
21 applicable.

22 **SECTION 19.** 119.10 (1) of the statutes is amended to read:

23 119.10 (1) The board is a continuing body. Any unfinished business before the
24 board or any of its standing or special committees on the date of the annual meeting
25 under sub. (2) shall be considered as pending before the board newly organized on

1 such date. At its annual meeting, after the election of the new board president and
2 the designation of the clerk, the clerk shall report to the board items of business
3 pending before the board as a whole. After the annual ~~April~~ meeting, unless
4 otherwise directed by the board, the clerk shall report items of business which had
5 been pending before committees of the board to the corresponding committees of the
6 board appointed by the new president. Matters thus reported may be acted upon by
7 the board in the same manner and with the same effect as if the board had not been
8 newly organized.

9 **SECTION 20.** 119.18 (23) of the statutes is repealed and recreated to read:

10 119.18 **(23)** SCHOOL REORGANIZATIONS. The board may reorganize any school
11 that it determines is low in performance by adopting a resolution to that effect. If
12 the superintendent of schools recommends to the board that a school be reorganized,
13 he or she shall state the reasons for the recommendation in writing. If the board
14 reorganizes a school, the superintendent of schools may reassign the school's staff
15 members who are licensed by the state superintendent without regard to seniority
16 in service and may reassign other employes of the board who are licensed by the state
17 superintendent to the school without regard to seniority in service. This subsection
18 does not apply after June 30, 2001.

19 **SECTION 21.** 119.235 of the statutes is repealed and recreated to read:

20 **119.235 Contracts with private schools and agencies. (1)** The board may
21 contract with any nonsectarian private school located in the city or any nonsectarian
22 private agency located in the city to provide educational programs to pupils enrolled
23 in the school district operating under this chapter. The board shall ensure that each
24 private school or agency under contract with the board complies with ss. 118.125 and
25 118.13, 20 USC 1232g, 20 USC 1681 to 1688, 20 USC 3171 to 3197, 29 USC 794, 42

1 USC 2000d and 42 USC 6101 to 6107, and all health and safety laws and rules that
2 apply to public schools.

3 (2) Each private school or agency under contract with the board shall do all of
4 the following:

5 (a) Offer a full school year educational program.

6 (b) Participate in the board's parent information program.

7 (c) Offer diverse opportunities for parents to participate in the school's
8 programs.

9 (d) Meet insurance and financial requirements established by the board.

10 (e) Develop a pupil recruitment and enrollment plan that incorporates all of the
11 following:

12 1. A good faith effort to achieve racial balance.

13 2. A pupil selection process that gives preference to the siblings of enrolled
14 pupils and that gives no other preferences except those approved by the board.

15 3. A statement describing how the plan will serve the needs of low-academic
16 achievers and pupils from low-income families.

17 (f) Report to the board any information requested by the board.

18 (3) Any pupil enrolled in the school district operating under this chapter may
19 attend, at no charge, any private school or agency with which the board has
20 contracted under sub. (1) if space is available in the private school or agency.

21 (4) The board shall establish appropriate, quantifiable performance standards
22 for pupils at each private school or agency with which it contracts in such areas as
23 attendance, reading achievement, pupil retention, pupil promotion, parent surveys,
24 credits earned and grade point average.

1 **(5)** Annually, the board shall monitor the performance of the program under
2 this section. The board may use the results of standardized basic educational skills
3 tests to do so. The board shall include a summary of its findings in its annual report
4 to the state superintendent under s. 119.44.

5 **SECTION 22.** 119.55 (3) of the statutes is created to read:

6 **119.55 (3)** The board shall contract with the Boys and Girls Clubs of Greater
7 Milwaukee to provide case managers at selected middle schools and high schools to
8 work with school staff and pupils and their families to improve the attendance rate
9 of pupils enrolled in the selected schools. The board shall use the funds appropriated
10 under s. 20.255 (2) (ed) to pay the costs of the contracts. No contract under this
11 subsection may extend beyond June 30, 2000.

12 **SECTION 23.** 119.76 of the statutes is created to read:

13 **119.76 After-school programs.** From the appropriation under s. 20.255 (2)
14 (ec), the state superintendent shall pay to the board the amounts specified in the
15 spending plan under s. 119.80 for the following programs in the 1998-99 school year:

16 **(1)** After-school educational programs.

17 **(2)** After-school recreational programs.

18 **(3)** After-school health programs.

19 **SECTION 24.** 119.90 of the statutes is created to read:

20 **119.90 Local reform councils. (1)** (a) The board shall determine a method
21 for identifying schools that are low in performance using the following measures, as
22 applicable, and other measures the board shall adopt:

23 1. The results of the statewide pupil assessments under s. 118.30 and any
24 districtwide pupil assessments.

25 2. The school's graduation rate.

1 3. The school's attendance and truancy rates.

2 4. The school's dropout rate.

3 5. The results of the 3rd grade reading test under s. 121.02 (1) (r).

4 6. Grade point averages of pupils enrolled in the school.

5 (b) By January 1, 1999, the board shall certify the method determined under
6 par. (a) to the department for its approval. By February 1, 1999, the department
7 shall approve the method as certified by the board or as modified by the department.

8 **(2)** By December 15, 2000, and biennially thereafter, using the method
9 approved by the department under sub. (1) (b), the board shall certify to the
10 department the performance of all schools as measured under sub. (1) and a list of
11 the schools that are low in performance. The department shall approve the list as
12 certified by the board or as modified by the department.

13 **(3)** (a) A local reform council is created for each school on the list approved by
14 the department under sub. (2). The local reform council shall consist of the following
15 members appointed by March 1 following the certification under sub. (2) for 4-year
16 terms beginning on July 1 following the certification under sub. (2):

17 1. One person who resides in the city and who is not employed by the board,
18 appointed by the board.

19 2. Two persons who reside in the city, who are parents of pupils enrolled in the
20 school, and who are not employed by the board, appointed by the board from
21 recommendations made by the school's parent-teacher organization.

22 3. One person who resides in the city and who is not employed by the board,
23 appointed by the mayor of the city and confirmed by the common council.

24 4. One teacher who is a resident of the city and who is employed in the school,
25 elected by the teachers of the school subject to confirmation by the board.

1 (b) A member of a local reform council who loses the status upon which his or
2 her appointment was based does not cease to be a member of the council as a result.

3 **(4)** Beginning on July 1 following the certification under sub. (2), the council
4 appointed under sub. (3) shall determine all of the following:

5 (a) The educational program of the school.

6 (b) The methods the school will use to enable pupils to attain the educational
7 goals under s. 118.01.

8 (c) The method by which pupil progress in attaining the educational goals
9 under s. 118.01 will be measured.

10 (d) The method to be followed by the school to ensure parental involvement.

11 (e) The procedures that the school will follow to ensure the health and safety
12 of the pupils.

13 **(5)** (a) If a local reform council requests, the board may reassign the school's
14 staff members who are licensed by the state superintendent without regard to
15 seniority in service and may reassign other employes of the board who are licensed
16 by the state superintendent to the school without regard to seniority in service.

17 (b) The local reform council may veto assignment of staff to the school or
18 reassignment of staff from the school under par. (a).

19 **(6)** If a local reform council is appointed for a school, annually the board shall
20 allocate for operation of the school an amount equal to the average cost per pupil for
21 that type and level of public school in the city, as determined by the department,
22 multiplied by the number of pupils enrolled in the school, calculated on a full-time
23 equivalent basis. All costs incurred by the board and the council for operation of the
24 school shall be funded from the allocation under this subsection.

1 **(7)** (a) If the 2nd certification under sub. (2) after the appointment of a local
2 reform council shows that the school is low in performance, the local reform council
3 is abolished on the following July 1.

4 (b) A local reform council may dissolve itself by adopting a resolution to that
5 effect. A resolution adopted under this paragraph may not take effect until the July
6 1 following the 4th certification under sub. (2) after the appointment of the local
7 reform council.

8 **SECTION 25.** 121.85 (6) (h) of the statutes is created to read:

9 121.85 **(6)** (h) *Neighborhood schools.* Beginning in the 1998–99 school year, the
10 school district operating under ch. 119 shall allocate a portion of the amount received
11 under par. (a) in each school year to build or lease neighborhood schools.

12 **SECTION 9139. Nonstatutory provisions; public instruction.**

13 (1) AID TO MILWAUKEE PUBLIC SCHOOLS. Notwithstanding section 16.42 (1) (e)
14 of the statutes, in submitting information under section 16.42 of the statutes for the
15 purposes of the 1999–2001 biennial budget bill, the department of public instruction
16 shall submit information concerning the appropriation account under section 20.255
17 (2) (ec) of the statutes, as affected by this act, as though the increase in the dollar
18 amount of that appropriation by SECTION 9239 (1) of this act had not been made.

19 (2) EDUCATIONAL CERTIFICATION. By December 15, 1999, the school board of the
20 school district operating under chapter 119 of the statutes shall report to the state
21 superintendent of public instruction the performance under section 119.90 (2) of the
22 statutes of all schools in the Milwaukee Public Schools in the 1998–99 school year.

23 **SECTION 9239. Appropriation changes; public instruction.**

24 (1) AID TO MILWAUKEE PUBLIC SCHOOLS. In the schedule under section 20.005 (3)
25 of the statutes for the appropriation to the department of public instruction under

1 section 20.255 (2) (ec) of the statutes, as affected by the acts of 1997, the dollar
2 amount is increased by \$2,500,000 for fiscal year 1998-99 to increase funding for the
3 purposes for which the appropriation is made.

4 (2) TRUANCY ABATEMENT AND BURGLARY SUPPRESSION. In the schedule under
5 section 20.005 (3) of the statutes for the appropriation to the department of public
6 instruction under section 20.255 (2) (ed) of the statutes, as affected by the acts of
7 1997, the dollar amount is increased by \$325,000 for fiscal year 1998-99 to increase
8 funding for the purpose for which the appropriation is made.

9 **SECTION 9356. Initial applicability; other.**

10 (1) OPEN MEETINGS. The treatment of section 111.70 (4) (cm) 2m. of the statutes
11 first applies to contract negotiation meetings for proposed collective bargaining
12 agreements that apply to the period beginning on July 1, 1999.

13 (2) COLLECTIVE BARGAINING. The treatment of section 111.70 (4) (m) (intro.), 1.,
14 2., 4. and 5. of the statutes first applies to employes who are affected by a collective
15 bargaining agreement that contains provisions inconsistent with that treatment on
16 the day on which the collective bargaining agreement expires or is extended,
17 modified or renewed, whichever occurs first.

18 (3) REDISTRICTING. The treatment of section 119.08 (1) (a) and (b) of the statutes
19 first applies with respect to election district apportionment plans adopted following
20 adjustment of ward boundaries in response to the 2000 federal decennial census.

21 **SECTION 9400. Effective dates; general.** Except as provided in SECTIONS
22 9401 to 9456, this act takes effect on the day after publication.

23 **SECTION 9456. Effective dates; other.**

24 (1) METHOD OF ELECTION OF 1ST CLASS CITY SCHOOL DIRECTORS. The treatment of
25 sections 119.06 (3) (intro.), (a) and (b), (4) (b), (5) and (6), 119.08 (1) (a) and (b), (2),

1 (3) and (4) and 119.10 (1) of the statutes and the creation of section 119.07 of the
2 statutes take effect on January 1, 1999.

3 (2) FIRST CLASS CITY SCHOOL ELECTION TRANSITIONAL PROVISIONS. The repeal of
4 section 119.07 of the statutes takes effect on July 1, 2000.

5 (END)